WRITTEN TESTIMONY OF

Harlin R. McEwen

Chairman, Communications & Technology Committee
International Association of Chiefs of Police (IACP)

Communications Advisor
Major Cities Chiefs Association (MCC)
National Sheriffs' Association (NSA),
Major County Sheriffs' Association (MCSA)

Before the

COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION
UNITED STATES SENATE

July 12, 2005

The Transition to Digital Television (DTV)

ESTABLISHING AN EARLY AND FIRM DATE IS CRITICAL TO PUBLIC SAFETY

Thank you, Mr. Chairman, and members of the Committee for the opportunity to appear before you today.

My name is Harlin McEwen and I am the retired Police Chief of the City of Ithaca, New York, and I am also retired as a Deputy Assistant Director of the Federal Bureau of Investigation in Washington, DC. I serve as the Chairman of the Communications and Technology Committee of the International Association of Chiefs of Police (IACP), a position I have held for more than 27 years. I also serve as the Communications Advisor for the Major Cities Chiefs Association (MCC), the National Sheriffs' Association (NSA), and the Major County Sheriffs' Association. In addition, today I am speaking also on behalf of the Association of Public Safety Communications Officials-International (APCO), the Police Executive Research Forum (PERF), the International Association of Fire Chiefs (IAFC), the Congressional Fire Services Institute (CFSI), the National Association of State EMS Directors (NASEMSD), the National Association of Counties (NACo) and the National League of Cities (NLC).

Citizens rely upon their local and state police agencies, sheriffs' offices, fire departments, emergency medical services, and other public safety agencies to come to their assistance wherever and whenever needed, whether it is crime in progress, a civil disturbance, a building fire, a forest fire, an automobile accident, a health emergency, a natural disaster, or, as we learned on 9/11, a terrorist attack. Citizens assume that those first responders will get the call and will have the communications tools they need to address emergencies quickly and efficiently.

Radio spectrum is critical for public safety agencies to maintain the communications capability they need to protect the safety of life and property. However, in 1996, a blue ribbon committee (the Public Safety Wireless Advisory Committee or "PSWAC") determined that public safety agencies did not have sufficient radio spectrum to do their jobs. Among PSWAC's recommendations was that 25 MHz of spectrum be made available from TV channels 60-69 (the 700 MHz band) within five years.[1] Congress responded in 1997 by directing the FCC to reallocate 24 MHz of spectrum in the 700 MHz band for public safety services.

Unfortunately, the 700 MHz band public safety spectrum continues to be blocked by television stations on channels 63, 64, 68, and 69 (and, to some degree, adjacent channels 62, 65, and 67), especially in major metropolitan areas. Under current law, these stations are permitted to stay in the band until December 31, 2006, or when 85% of the households in their market areas have the ability to receive DTV signals, whichever is later.

In the meantime, the public safety spectrum needs identified in 1996 have worsened, especially since 9/11, as police, sheriffs, fire, EMS and other public safety agencies are being asked to assume greater roles in protecting homeland security. A current example is last week's tragic bombings in London and the heightened security now placed on our nation's public transportation systems. Any time there is a terrorist attack against the U.S. or in any other part of the world, public

[1] As I and others have often noted, the date of the PSWAC report was September 11, 1996. Exactly five years later, on September 11, 2001, the spectrum identified by PSWAC was still not available for public safety use in most of the nation.

safety must have even more effective and interoperable radio communications capability. Therefore, the public safety community supports legislative efforts that call for an ***early*** and ***firm*** date by which broadcasters must clear the channels occupied in the 700 MHz band.

The 700 MHz band spectrum is critical for public safety agencies to alleviate dangerous congestion on many existing radio systems, which places first responders and the public at risk. In much of the nation, there are no longer ***any*** frequencies available for new or expanded public safety radio systems. As a result, too many first responders are crowded on common channels, blocking critical communications, both on a day-to-day basis and, especially, when major emergencies occur. Once cleared of TV stations, the 700 MHz band channels will facilitate expansion of public safety systems already operating in the adjacent 800 MHz band, and the construction of many new public safety radio systems across the nation.

A key benefit of the 700 MHz band spectrum is that it will allow for new and expanded multi-agency communications systems to promote interoperability among first responders in the field. While there are many causes and solutions to the interoperability problem, in many cases the most effective long-term solution is to consolidate agencies on the same radio system, or at least on systems in compatible frequency bands. Some states and counties have built such multi-agency systems (often in the now-crowded 800 MHz band), and many others would do so if sufficient radio spectrum were available. Clearing the 700 MHz spectrum would also allow many existing 800 MHz systems to expand their capacity to accommodate additional public safety agencies. The FCC rules for the 700 MHz band also ensure that all radios operating within the 700 MHz band will include designated interoperability channels and a common digital interoperability standard (Project 25).

Additional spectrum will also allow for deployment of new public safety communications technologies, such as mobile data networks that will provide first responders with access to critical information in the field. Today, agencies seeking to implement new data networks are often stymied by the lack of sufficient radio spectrum.

The public safety benefits of the 700 MHz band are very real. However, until Congress establishes a ***date certain*** for TV broadcasters to vacate the 700 MHz band, most public safety agencies and state/local governments cannot begin significant planning and funding for new radio systems in that spectrum.

The 9/11 Commission specifically recommended that Congress support legislation providing "for the expedited and increased assignment of radio spectrum for public safety purposes." In response to this recommendation, the Intelligence Reform and Terrorism Prevention Act of 2004 included a Sense of Congress that this issue must be addressed in the first session of the 109th Congress.

In addition to our urgent need for the 24 MHz of spectrum previously allocated by Congress for public safety, the tragic terrorist acts of September 11, 2001 and advances in technology have intensified the need for further allocations to provide for public safety wide area wireless broadband data networks. The National Intelligence Reform Act of 2004 requires the Department of Homeland Security (DHS) and the Federal Communications Commission (FCC) to analyze this spectrum requirement and report back to Congress later this year. Therefore, we support language in S.1268 (The SAVE LIVES Act) that would permit Congress to designate additional public safety spectrum in the 700 MHz band following completion of those studies.

In closing I would again stress that the public safety community supports legislative efforts that call for an ***early*** and ***firm*** date by which broadcasters must clear the channels occupied in the 700 MHz band.

Contact Information:
Harlin R. McEwen ● 422 Winthrop Drive ● Ithaca, NY 14850 ● Telephone (607) 257-1522 ● E-Mail chiefhrm@leo.gov